

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CIVIL MINUTES**

Case Title :	Rana Domomdon	Case No : 10-25809 - E - 13L
		Date : 4/27/10
		Time : 10:00
Matter :	[21] – Motion/Application to Dismiss Case for Unreasonable Delay That is Prejudicial to Creditors [NLE-1] Filed by Trustee Lawrence J. Loheit (avos)	UNOPPOSED
Judge :	Ronald H. Sargis	
Courtroom Deputy :	Janet Larson	
Reporter :	Diamond Reporters	
Department :	E	

APPEARANCES for :

Movant(s) : Neil Enmark (for the Trustee)
Respondent(s) : Debtor(s) Attorney – Brion St. James

MOTION was :
Conditionally denied
See Findings of fact and conclusions of law below

Local Rule 9014-1(f)(2) Motion.

Proper Notice Provided. The Proof of Service filed on April 13, 2010, states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee.

The Motion to Dismiss was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Consequently, the creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. No opposition was offered at the hearing.

The court's decision is to grant a conditional order of dismissal.

The Trustee seeks to dismiss the case because of Debtor's failure to file the standard plan required by General Order 05-03, Paragraph 2(a). The standard plan is available on the court's website (www.caeb.uscourts.gov) or from the Office of the Clerk. Failure to utilize the standard plan and ordered by the court represents unreasonable delay which is prejudicial to creditors. 11 U.S.C. §1307(c)(1). There is cause to dismiss or convert the case.

Counsel for the Debtor represented at the hearing that the Debtor intends to convert the case to one under Chapter 7. The conditional order of dismissal shall provide that the case shall be dismissed if the election to convert to Chapter 7 is not filed on or before May 5, 2010.

Counsel for the Chapter 13 Trustee shall prepare the conditional order of dismissal and submit it to the court.